Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURI	Ξ
STATEMENT BY APPLICANT	Г
( Not for submission under 37 CFR 1.99	)

Application Number		10552094
Filing Date		2005-04-10
First Named Inventor Nava		по
Art Unit		3738
Examiner Name		
Attorney Docket Number		ZP193-05002

	U.S.PATENTS Remove									
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue D	Date	of cited Document Rele			s,Columns,Lines wher ant Passages or Rele es Appear	
	1									
If you wish to add additional U.S. Patent citation information please click the Add button.										
U.S.PATENT APPLICATION PUBLICATIONS Remove										
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publica Date	ation	Name of Pate of cited Docu	entee or Applicant ment	Releva	s,Columns,Lines wher ant Passages or Rele es Appear	
/J.H./	1	20030233097		2003-1	2-18	Fеrree				
If you wis	If you wish to add additional U.S. Published Application citation information please click the Add button. Add									
FOREIGN PATENT DOCUMENTS Remove										
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>		Kind Code <sup>4</sup>	Publication Date	Name of Patente Applicant of cited Document	eor	Pages,Columns,Lines where Relevant Passages or Relevan Figures Appear	T5
	1									
If you wish to add additional Foreign Patent Document citation information please click the Add button Add										
NON-PATENT LITERATURE DOCUMENTS Remove										
Examiner Initials* Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.							T5			

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10552094		
iling Date		2005-04-10		
First Named Inventor	Navarro			
Art Unit		3738		
Examiner Name				
Attack Declar North	-	ZD402 05002		

1	WIGFILED et al., Internal Stress Distribution in Cervical Intervertebral Discs, Journal of Spinal Disorders and Techniques, 2003, vol.16, No. 5, Pages 441-449, Lipincott Williams & Wilkins Inc., USA	
2	LEHUEC, J. C. et al, Shock Absorption in Lumbar Disc Prothesis, Journal of Spinal Disorders and Techniques, 1/15/2003, vol.16, No. 4, Pages 346-351, Lipincott Williams & Wilkins Inc., USA	
3	TROPIANO, PATRICK, et al., Lumbar Disc Replacement, Journal of Spinal Disorders and Techniques, 1/15/2003, vol.16, No. 4, Pages 362-368, Lipincott Williams & Wilkins Inc., USA	
4	WON JOONG KIM et al., Treatment of Juxtafusional Degemeration with Artificial Disc Replacement (ADR), Journal of Spinal Disorders and Techniques, 1/15/2003, vol.16, No. 4, Pages 390-397, Lipincott Williams & Wilkins Inc., USA	
5	BLUMENTHAL, SCOTT et al., Artificial Intervertebral Disc and Beyond: A North American Spine Society Annual Meeting Symposium, The Spinal Journal 2, 2002, Pages 460-463, Elsevier Science Inc., USA	
6	BOGDUK et al., A Biological Basis for Instantaneous Centres of Rotation of the Vertebral Column, Journal of Engineering in Medicine, 1995, Pages 177183, IMechE, USA	
7	GERTZBEIN et al., Controde Patterns and Segmental Instability in Degenerative Disc Disease, Spine, 1985, Pages 257-261,Vol. 10 No.3, Lippincott Williams & Wilkins, USA	
8	GRIFFITH et al., A Multicenter Retrospective Study of the Clinical Results of the LINK SB Charite Intervertebral Prosthesis, Spine, 1994, Pages 1842-1849; Vol. 19 No. 16, J.B. Lippincott Company, USA	
9	HAHER et al., Instantaneous Axis of Rotation as a Function of the Three Columns of the Spine, Spine, 1992, Pages S149-S154, Vol. 17 No 6, Lippincott Williams & Wilkins, USA	
10	HAHER et al., The Effect of the Three Columns of the Spine on the Instantaneous Axis of Rotation in Flexion and Extension, Spine, 1991, Pages S312 - S318, Vol. 16 No 8, Lippincott Williams & Wilkins, USA	
11	KLEIN et al., Relocation of the Bending Axis During Flexion- Extension of Lumbar Intervertebral Discs and its Implication for Prolapse, Spine, 1983, Vol. 8 No. 6, Harper & Row Publishers Inc., USA	

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number		10552094		
Filing Date		2005-04-10		
First Named Inventor	Navarro			
Art Unit		3738		
Examiner Name				
Attorney Docket Numb	er	ZP193-05002		

	12	JOHN KOSTUIK, Alternatives to Spinal Fusion, Spinal Fusion, October 1998, Pages 701-715, Vol. 29 No. 4, USA								
	13	XUE-CHENG LIU et al., A New Technique for the Three-Dimentsional Study of the Spine In Vitro and In Vivo by Using a Motion-Analysis System, Journal of Spinal Disorders, 1997, Pages 329-338, Vol. 10 No. 4, Lippincott-Raven Publishers, USA								
	14	PERCY et al., Instantaneous Axes of Rotation of the Lumbar Intervertebral, Spine, 1988, Pages 1033-1041, Vol. 13  No. 9, Lippincott Williams & Wilkins, USA								
	15	YOSHloka et al., Motion Characteristic of the Normal Lumbar Spine in Young Adults: Instantaneous Axis of Rotation and Vertebral Center Motion Analyses, Journal of Spinal Disorders, 1990, Pages 103-113, Vol. 3 No.2, Raven Press Ltd., USA								
	16	SELIGMAN et al., Computer Analysis of Spinal Segment Motion in Degenerative Disc Disease with and without Axial Lading, Spine, 1984, Pages 566-573, Vol. 9 No. 6, Lippincott Williams & Wilkins, USA								
	17	White II et al., Clinical Biomechanics of the Spine, 1990, Pages 128-130, J.B. Lippincott Company, USA								
If you wis	n to ac	d additional non-patent literature document citation information please click the Add button Add								
		EXAMINER SIGNATURE								
Examiner	Signa	ure /Julianna Harvey/ Date Considered 12/05/2007								
		ial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a onformance and not considered. Include copy of this form with next communication to applicant.								

¹ See Kind Codes of USPTO Patent Documents at www\_USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ³ Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H./

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10552094	
Filing Date		2005-04-10	
First Named Inventor	Navarro		
Art Unit		3738	
Examiner Name			
Attorney Docket Number		ZP193-05002	

#### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

#### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Robert Eichenberger/	Date (YYYY-MM-DD)	2006-04-24
Name/Print	Robert H. Eichenberger	Registration Number	42509

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

#### Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
  - A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.